

1944.



File No. O. Soldiers
Litigation / 44

Legal Dept-

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Subject:- Opinions under the
Indian Soldiers (Litigation) Act 1925

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Indian Solidiers(Litigation)
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|----|---------------|-----------|---|-----|
| 1. | 8912/18.12.44 | Sec. 6(2) | Re: Suspension of the
proceedings by the Court
if it appears to it ~~appears to it~~ that
an Indian Soldier though not a party
is materially concerned in the
outcome of the proceeding and that
his interests are likely to be
prejudiced by his inability to attend
the court. | 1-2 |
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Office of the R.L.A.

Sub-section(2) of section 6 of the Indian Soliders (litigation) Act 1925 lays down that if it appears to the Court before which any proceeding is pending that an Indian Solider though not a party to the proceeding is materially concerned in the outcome of the proceeding and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding. In the case under consideration, in the absence of the pleadings it is difficult for the R.L.A. to say whether the Indian solider is materially concerned in the outcome of the suit and whether his interests are likely to be prejudiced by his inability to attend. It is a debatable point whether the fact of his mother being dependent on him constitutes a material interest in the outcome of the suit. In any event there appers no good ground for holding that the judicial discretion vested in the Court has been wrongly exercised by his refusal to stay the suit proceedings.

Sd/-P.N.M. 18/12/44

Remembrancer of Legal Affairs.

U.R. to Home Department.

M.R.D.

No. 8912 dated 18th December 1944.

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